

Panaji, 10th October, 1985 (Asvina 18, 1907)

SERIES II No. 28

# OFFICIAL GAZETTE



## GOVERNMENT OF GOA, DAMAN AND DIU

### GOVERNMENT OF GOA, DAMAN AND DIU

Department of Personnel and Administrative Reforms

Order

No. 6/10/85-PER

The Administrator of Goa, Daman and Diu is pleased to order that Shri G. C. Srivastava, IAS, Administrator-cum-Manager of the Goa State Co-operative Bank Limited shall hold the charge of the post of Development Commissioner in addition to his own duties until further orders thereby relieving Dr. S. K. Gandhe of the additional charge of the post of Development Commissioner, with immediate effect.

By order and in the name of the Administrator of Goa, Daman & Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

Order

No. 6/21/85-PER

Read Order: No. GOA UNIV/85/33/70 dated the 13th September, 1985 from the Visitor, Goa University.

Consequent upon his appointment as the First Registrar of the Goa University, the Administrator of Goa, Daman and Diu is pleased to relieve Dr. S. K. Gandhe, Special Secretary (Planning) to take up his new assignment as the First Registrar in the Pay scale of Rs. 1500-60-1800-100-2000-125/2-3000. The terms and conditions of his appointment shall be decided in the next meeting of the Executive Council of the Goa University.

2. Dr. S. K. Gandhe shall, however, continue to hold the charge of the posts of Special Secretary (Planning), Development Commissioner and Finance Secretary until further orders.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 27th September, 1985.

Order

No. 6/1/81-PER(Vol.III)

The Administrator of Goa, Daman and Diu is pleased to place the services of S. M. Naik, Grade II Officer of Goa, Daman and Diu, presently on deputation as Manager (M&P), Goa Handicrafts, Small Scale Industries Development Corporation Ltd. at the disposal of the Goa Konkani Akademi, for his appointment as Secretary for the said Akademi, on deputation basis for a period of one year in the first instance from the date he takes over the new assignment.

2. The terms of deputation of Shri Naik shall be regulated as per standard terms of deputation, including fixation of pay under F.R. 35.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

Order

No. 6/2/81-PER (Vol. IV)

On the recommendation of the Government of India, Ministry of Personnel and Training, Administrative Reforms and Public Grievances and Pension (Department of Personnel and Training) and the Union Public Service Commission, New Delhi, Shri W. V. Ramana Murthy is appointed on probation for a period of 2 years to the Goa, Daman and Diu Civil Service, Grade II in the revised pay scale of Rs. 650-30-810-EB-35-880-40-1000-EB-40-1200, under Rule 5(a) of the Goa, Daman and Diu Civil Service Rules, 1967, w.e.f. 19-8-1985 (F.N.).

2. The above probationer is accommodated against the post of Additional Dy. Collector vacated by Shri T. J. Faleiro, Grade II, consequent upon his posting as Under Secretary (STE) in the Secretariat.

3. Shri Murthy after completion of Foundational Training is posted in the Collectorate of Goa as Addl. Dy. Collector for post-institutional training to be drawn by the Collector of Goa, in terms of Government Notification No. 6/5/79-Div. I. dated 23-9-1979.

By order and in the name of the Administrator of Goa, Daman and Diu.

N. P. Gaunekar, Under Secretary (Personnel).

Panaji, 30th September, 1985.

### Directorate of Vigilance

Memorandum

No. 1/4/78-VIG (Part file)

Sanction of the chief Vigilance Officer is hereby conveyed to the appointment of the following officers as Vigilance Officer for the Department shown against their names. This memorandum supersedes the earlier memorandum appointing Vigilance Officer in the Departments indicated below:—

- |                         |                             |
|-------------------------|-----------------------------|
| 1. Shri Orlando Miranda | Daman Municipal Council.    |
| Head Clerk, Daman       |                             |
| Municipal Council.      |                             |
| 2. Shri J. M. Almeida   | Directorate of Industries & |
| Asst. Dir / Functional  | Mines.                      |
| Manager.                |                             |
| 3. Shri S. G. Naik      | Goa Dental College & Hos-   |
| Asst. Accounts Officer. | pital Bambolim.             |

4. Shri S. J. Redkar River Navigation Department.  
Administrative - cum -  
-Accounts Officer.
5. Shri D. C. Sajane, Directorate of Sports &  
Asst. Director (Sports) Culture Affairs.
6. Shri B. S. C. C. Dias Directorate of Planning,  
Dy. Director. Statistics and Evaluation.

S. D. Sadhale, Deputy Director (Vigilance).

Panaji, 30th September, 1985.

### Home Department

#### General Branch/Division

Order

No. 1/80/83-HD(G)

Read: (1) Government Order No. 1/80/85-HD(G) dated 20-11-1984.

Government is pleased to extend the term of deputation of Dr. N. V. Raikar, Police Medical Officer for further period of one year with effect from 24-9-1985.

By order and in the name of the Administrator of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 27th September, 1985.

### Revenue Department

Notification

No. 22/116/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that, the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land acquisition for laying pipe line and Service road of 160 MLD Salauli Water Supply Project from Mullem to St. Jose de Areal (Chainage between 17594 to 18959 mts.).

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as, the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be

#### SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Salcete	Mullem	152 part		H: 1. Raghuvir Paiguinkar. 2. Suraj P. Naik. 3. Kranti P. Naik. 4. Jayesh P. Naik alias Devendra P. Naik. 5. Ganesh P. Naik alias Jitendra P. Naik.	2325.00
		184	7 part	H: Viswambar Parvatkar. T: Nilu Devu Gaunkar. Chanu Deu Gaunkar.	130.00

### Planning Department

Order

No. 4-3-81/PLG

Read: Order No. 4-25-78/PLG dated 7-8-84.

Sanction of the Government is hereby accorded to extend the term of deputation of Shri Faquir Chand, Statistical Officer from the Common Statistical Cadre in the Administration of Dadra and Nagar Haveli, Silvassa for one more year w. e. f. 6-9-1985 on the said terms and conditions mentioned in the aforesaid order dated 7-8-1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Under Secretary (Planning).

Panaji, 1st October, 1985.

### Tourism, Information and Transport Department

Order

No. 5/27/84-MS/Corp/WET

Read: — Order No. 5/27/84-MS/Corp/WET dated 17/10/1984.

Sanction of the Administrator is hereby accorded to the up-gradation of the post of the Managing Director of the Goa, Daman and Diu, Tourism Development Corporation Ltd., in the pay scale of Rs. 2500-125/2-2750 with effect from 18/10/1984.

By order and in the name of the Administrator of Goa, Daman & Diu.

T. J. Faleiro, Under Secretary (S.T.E.).

Panaji, 30th September, 1985.

disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector (3-South), Quepem to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (3-South), Quepem.
3. The Executive Engineer, Works Div. XII (PHE), P. W. D; Sanguem.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Dy. Collector (3-South), Quepem for a period of 30 days from the date of publication of this Notification in the Official Gazette.

1	2	3	4	5	6
Salcete	Mullem	184	1 part	H: Anant Bombi Naik. T: Babuso Deu Gaonkar.	1000.00
		185	11 part	H: Armando Perreira. T: Arjun Deu Gaonkar.	1650.00
		183	5 part	H: Armando Perreira. T: Arjun Deu Gaonkar.	650.00
			4 part	H: Anant Bombi Naik. T: Babuso Deu Gaonkar.	650.00
			3 part	H: Vishwambar Parvatkar. T: Chonu Deu Gaonkar.	380.00
			2 part	H: Armando Perreira. T: Arjun Deu Gaonkar.	30.00
		167		H: 1. Suraji Prabhakar Naik. 2. Kranti P. Naik. 3. Jayesh P. Naik alias Devendra P. Naik. 4. Ganesh P. Naik alias Jitenra P. Naik.	3300.00
		181	14 part	H: Jerenio Mascarenhas.	700.00
		180	27 part	H: Jeronio Mascarenhas. T: Shripato Gaonkar.	15.00
			23 part	H: Jeronio Mascarenhas. T: Babuso Deu Gaonkar.	75.00
			29 part	H: Jeronio Mascarenhas. T: Dharmu Bitu Gaonkar.	50.00
			30 part	H: Jeronio Mascarenhas. T: Arjun Deu Gaonkar.	40.00
			31 part	H: Jeronio Mascarenhas. T: Shambu Ganesh Gaonkar.	25.00
			32 part	H: Jeronio Mascarenhas. T: Dharmu Bitu Gaonkar.	55.00
			33 part	H: Jeronio Mascarenhas. T: Janu Pandu Gaonkar.	20.00
			25 part	H: Alemia Noronha. L: Laximan Gaonkar.	200.00
			19 part	H: Alemia Noronha. T: Rama Gaonkar.	20.00
			24 part	H: Alemia Noronha. T: Govind Shaba Gaonkar.	50.00
			13 part	H: Alemia Noronha.	140.00
			17 part	H: Alemia Noronha. T: Shambu Ganesh Gaonkar.	5.00
			16 part	H: Alemia Noronha. T: Rama Gaonkar.	150.00
			23 part	H: Alemia Noronha. T: Shirpato Gaonkar.	350.00
			14 part	H: Alemia Noronha. T: Dharmu Bitu Gaonkar.	75.00
			15 part	H: Alemia Noronha. T: Shambu Ganesh Gaonkar.	40.00
			11 part	H: Alemia Noronha. T: Laxman Gaonkar.	70.00
			10 part	H: Alemia Noronha. T: Rama Gaonkar.	45.00
			8 part	H: Alemia Noronha. T: Shirpato Gaonkar.	130.00
			1 part	H: Alemia Noronha. T: Shambu Ganesh Gaonkar.	110.00
			2 part	H: Alemia Noronha. T: Rama Gaonkar.	75.00
			3 part	H: Alemia Noronha. T: Govind Shambha Gaonkar.	50.00
			4 part	H: Alemia Noronha. T: Shambhu Ganesh Gaonkar.	50.00
			5 part	H: Alemia Noronha. T: Rama Gaonkar.	35.00
			6 part	H: Alemia Noronha. T: Laxman Gaonkar.	35.00
			7 part	H: Alemia Noronha. T: Govind Shambhu Gaonkar.	150.00

1	2	3	4	5	6
				North: S. No. 152, S. No. 184/1, 11, S. No. 183/5, 4, 3, 2, S. No. 167, S. No. 181/14, S. No. 180/27, 25, 19, 18, 17, 13, 10, 1, 2, 3, S. No. 179/4, 179/5, 3, 1, S. No. 178/1, 2, S. No. 199 S. No. 176/4, 5 & 3.	
				South: S. No. 152, S. No. 184/7, 1, 11, S. No. 183/5, 4, 3, S. No. 167, S. No. 181/14, S. No. 180/33, 23, 15, 11, 8, 7, 6, 5, S. No. 179/6, 5, 3, 1, S. No. 167, S. No. 178/1, 2, 3, S. No. 199, S. No. 177/2, S. No. 176/4, 6, 7.	
				East: S. No. 152.	
				West: Village boundary of St. Jose de Areal.	
Salcete	Mulle	179	4 part	H: Anant Bombi Naik. T: Shambu Ganesh Gaonkar.	300.00
			6 part	H: Marcelino Fernandes. T: Sapeco Alcondries.	25.00
			5 part	H: Anant Bombi Naik.	1200.00
			3 part	H: Anant Bombi Naik. 2) Vincent Paul.	700.00
			1 part	H: Vincent Paul.	1800.00
		167		H: Subhiraj Prabhakar Naik. 2. Kranti P. Naik. 3. Jayesh P. Naik alias Devendra P. Naik. 4. Ganesh P. Naik alias Jitendra P. Naik.	360.00
		178	1 part	1. Inacinho Rodrigues. 2. Sebastiana D'Costa. 3. Dolorosa Rodrigues.	2000.00
			2 part	H: Antonio Sebastiao Mascarenhas. T: Raghoba Arjun Gaonkar.	950.00
			3 part	H: Sebastiao R. Mascarenhas. T: Arjun Deu Gaonkar.	135.00
		199		H: Dr. Mariano Alvares. T: Caitano Travasso.	1650.00
		177	2 part	H: Clementino George.	25.00
		176	4 part	H: Shambhu K. Verenkar. T: Menino Fernandes.	460.00
			5 part	H: Shambhu K. Verenkar. T: Narayan Rama Gaonkar.	150.00
			6 part	H: Shambhu K. Verenkar. T: Raghoba Arjun Gaonkar.	75.00
			3 part	H: Shambhu K. Verenkar. T: Shambhu Ganesh Gaonkar.	35.00
			7 part	H: Shambhu K. Verenkar. T: Shambu Ganesh Gaonkar.	10.00
Salcete	St. Jose de Areal	237	9 part	H: Comunidade of Curtorim. T: Monica Oliveira.	445.00
			8 part	H: Comunidade of Curtorim. T: Rosata Ferrao.	10.00
		236	9 part	H: Comunidade of Curtorim. T: Caitana Ferrao.	30.00
			8 part	H: Comunidade of Curtorim. T: Tomacina Terzeza.	350.00
			7 part	H: Comunidade of Curtorim. T: Monica Oliveira.	35.00
				North: S. No. 237/9, Road, S. No. 236/9, 8 & 7. South: S. No. 237/9 & 8, Road, S. No. 236/8, 7. East: Village boundary of Mullem, Road. West: Road, S. No. 236/7.	
Total .....					23620.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 11th September, 1985.

## Notification

No. 22/37/85-RD

Whereas by Government Notification No. 22/37/85-RD dated 15-4-85 published on page 102-103 of Series II, No. 7 of the Official Gazette, dated 16-5-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. for construction of Right Bank Main Canal at Ch. 0.00 to 240 mtrs. at Kerim Sattari.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable and that the Collector appointed under paragraph 2 below shall at any time on expiry of 15 days from

the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act take possession of the said land.

Now therefore the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, Special Land Acquisition Officer (North) Duler Mapusa, to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Special Land Acquisition Officer (North) Duler, Mapusa, till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Area in sq. mts.
1	2	3	4	5	6
Sattari	Querim	87	5 part	H: 1. Manoramabai Rane & heirs of Rajirao Rane. 2. Ganpat Raji Jugar. 3. Zaiba Satriji Rane Sardessai. 4. Tarabaisaheb Gaikwad. 5. Krishnarao Satroji Rane Sardessai. 6. Dattajirao Amrutrao Rane Sardessai. 7. Patraprao Nanasaheb Rane Sardessai. 8. Jayaji Nanasaheb Rane. 9. Jaisingrao Venkatrao Rane Sardessai. 10. Indurao Venkatrao Rane Sardessai. 11. Shaboka Bacharam Prabhu Dessai. 12. Anantrao Dinkarao Rane Sardessai. 13. Balasaheb Rausaheb Rane Sardessai. 14. Ganpatrao Balasaheb Rane Sardessai. 15. Tulshibai Bala Rane. 16. Mahadevrao Laximanrao Rane Sardessai. 17. Vishwasrao Laximanrao Rane Sardessai. 18. Bagwantrao Laximanrao Rane Sardessai. 19. Ramrao Venkatrao Rane Sardessai. 20. Sripadrao Venkatrao Rane Sardessai. 21. Govindrao Venkatrao Rane Sardessai. T: Sabaji Laxman Sawal.	1900.00
		87	6 part	H: Same as Survey No. 87/5. T: Arjun Ladu Gawas.	150.00
		87	8 part	H: Same as Survey No. 87/5. T: Kasher Sahuku Naik.	1600.00
Total					3650.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 27th September, 1985.

## Notification

No. 22/120/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of Telephone Exchange Building at Sanquelim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer) Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Dy. Collector (Land Acquisition Officer) Collectorate, Panaji.
3. The Divisional Engineer, Telegraph, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (Land Acquisition Officer) Collectorate, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDULE**  
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Bicholim	Sanquelim	28	1 (part)	1. Vasudev alias Dattu Venkatesh Shetye. 2. Annapurna Venkatesh Shetye. 3. Shalini Bai Shetye. 4. Vimalabai Shetye.	5300.00
<p style="text-align: center;"><i>Boundaries:</i></p> <p>North: Road. South: S. No. 27/3, 6, S. No. 21/1 &amp; S. No. 28/14. East: S. No. 28/3, 8, 11 &amp; 14. West: S. No. 28/1 &amp; 27/3.</p>						
Total .....						5300.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th September, 1985.

Notification

No. 22/222/84-RD

Whereas by Government Notification No. 22/222/84-RD dated 29/6/84 published on page 501-502 of Series II, No. 29 of the Official Gazette, dated 18-10-84 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land Acquisition for road from Khandepar to Nallakond in village Panchayat Khandepar, Ponda.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A

of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Addl. Deputy Collector 2 South Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector 2-South Margao till the award is made under Section 11.

**SCHEDULE**  
(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Ponda	Khandepar	179(part)	—	1. Ramchandra Dhakla Gaonkar. 2. Baburao Puno Gaonkar. 3. Yeshwant Shanu Gaonkar. 4. Toliyo Yesso Gaonkar. 5. Ranla Ramchandra Gaonkar. 6. Domlo Denu Gaonkar.	660.00
		180	1 part	Narsinha Purshottam S. Kandeparkar.	360.00
			2 part	Shashidar Vassudev Kandeparkar.	250.00
			3 part	Ramchandra Bhicambhat Ghate.	525.00
			4 part	1. Shashidhar Vassudev Kandeparkar. 2. Narsinha Purshottam Kandeparkar. 3. Ramchandra B. Ghate. 4. Prabhakar V. Ghate. 5. Narayan V. Ghate. 6. Shridar V. Ghate.	640.00
			5 part	Narsinha P. S. Candeparkar.	460.00
			6 part	Shashidhar Vasudev Candeparkar.	390.00
		181	1 part	Trivikram Sinai Candeparkar.	1260.00
		175	1 part	Trivikram Sinai Candeparkar.	325.00
			4 part	Madhukar Vassudev S. Candeparkar.	250.00
Total .....					5120.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 24th September, 1985.

## Notification

No. 22/218/84-RD

Whereas by Government Notification No. 22/218/84-RD dated 1-1-85 published on page 759 of Series II, No. 42 of the Official Gazette, dated 17-1-85 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. Land Acquisition for Improvement of Geometric of NH-4A between Km 105/600 to Km 106/300 (CH.0.00 at Belgaum).

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section

5A of the said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Additional Dy. Collector (2-South) Margao to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Additional Dy. Collector (2-South) Margao till the award is made under Section 11.

## SCHEDULE

(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Ponda	Dharbandora	99 part	--	1. Anna Gracias Braganza. 2. Jwad Lorenzo Braganza. 3. Jose Santano Braganza. 4. Gnica Dias. 5. Donsio Roque Dias. 6. Eulano Joaquim Minguel. 7. Constancio Raposa.	7200.00
Boundaries: North: Road S. No. 99. South: S. No. 99. East: S. No. 98. West: S. No. 100.					
Total .....					7200.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 12th September, 1985.

## Notification

No. 22/135/85-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for construction of 4 Room School Building at Dando Siolim.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Deputy Collector (Land Acquisition Officer) Collectorate, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Deputy Collector (Land Acquisition Officer), Collectorate, Panaji.
3. The Director of Education, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Dy. Collector (Land Acquisition Officer) Collectorate, Panaji for a period of 30 days from the date of publication of this Notification in the Official Gazette.

**SCHEDULE**  
(Description of the said land)

Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
Bardez	Siolim	104	1 part	Custody of Evacuee Property.	3100.00
<b>Boundaries:</b> North: S. No. 101/-, 104/1, 105/-. South: Road. East: S. No. 104/1. West: S. No. 104/1.					
Total .....					3100.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

P. S. Nadkarni, Under Secretary (Revenue).

Panaji, 27th September, 1985.

**Public Health Department**

Order

No. PHD/19(2)/76/ESTT-Vol.I

The appointment of Dr. Prakash Jayaram to the post of Public Health Dentist in the Directorate of Health Services made vide Government order of even number dated 24-4-85 is hereby cancelled as he failed to report for duties on the prescribed dates.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 27th September, 1985.

Order

No. 5/60/84-PHD

On the recommendation of the Local Departmental Promotion Committee, the following doctors are appointed on Ad-hoc basis to the post of Jr. Gynaecologist and Jr. Anaesthetist under the Directorate of Health Services, Panaji and posted against the places shown against their names with immediate effect and on the terms and conditions contained in Government Memorandum of even number dated 1-4-1985.

Sr. No.	Name of the doctor	Designation and place of posting
1.	Dr. (Miss) C. G. C. Fernandes.	Jr. Gynaecologist, Primary Health Centre, Pernem against the vacant post.
2.	Dr. Jethwa B. T.	Jr. Anaesthetist, Primary Health Centre, Diu against the vacant post.

The above appointment will not bestow on the person a claim for regular appointment and the services rendered on ad-hoc basis in the grade would not count for the purpose of seniority in that grade or eligibility for promotion to the next higher grade. The doctors have been medically examined and found fit by the Medical Board.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 27th September, 1985.

**Industries and Labour Department**

Order

No. 3/9/84-ILD

Read: Order No. 3/9/84-ILD dated 4-4-1985.

Sanction of the Government is hereby conveyed to continue the ad-hoc appointment of Shri S. J. Bhandari, to the post of Assistant Director (Technical, Coir, Fibre) in the pay scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 created vide order No. 5/86/80-ILD-Vol. I dated 21-10-83 in the Directorate of Industries and Mines, Panaji for a further period of six months from 22-10-85 or till such time the approval of the recruitment rules is received from Union Public Service Commission, whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th September, 1985.

Order

No. 28/38/85-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Goa Sintered Products Private Limited, Mugalee, Curtorim, Salcate-Goa, and their workman, Shri M. D. Revankar, Supervisor, r/at Sangali Bank, Marawadi Galli, Bagalkot—587 101, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu, considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under Section 7A of the said Act.

**SCHEDULE**

"Whether the action of the employer, M/s. Goa Sintered Products Private Limited, Mugalee, Curtorim, Salcate-Goa in terminating the services of Shri M. D. Revankar, Supervisor w.e.f. 15-1-1985 is legal and justified.

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 27th September, 1895.



Order

No. 28/81/84-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Chowgule and Company Private Limited, Mormugao, Harbour-Goa, and their workman, Shri Joaquim Fernandes, Mechanic Fitter, resident of Aldona, Bardez-Goa, in respect of the matter specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu, considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji-Goa, constituted under Section 7A of the said Act.

## SCHEDULE

"Whether the action of the employer, M/s. Chowgule and Company Private Limited, Mormugao, Harbour-Goa, (Sirigao Ship Building Division) in terminating the services of their workman, Shri Joaquim S. Fernandes, Mechanic, Fitter with effect from 12th December, 1978 is legal and justified.

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 30th September, 1985.

Order

No. 28/36/81-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 13th September, 1985.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU  
PANAJI GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/25/82

- |  |                     |
|--|---------------------|
| 1. Smt. Mogrem Naik  | — Workman/Party I   |
| V/s.   |                     |
| 1. M/s. Emco Goa Pvt. Ltd.   | — Employer/Party II |
| Workman/Party I represented by Adv. A. Nigalye.                    |                     |
| Employer/Party II represented by Shri B. G. Kamat, Labour Advisor. |                     |

Panaji. Dated: 2-9-1985

## AWARD

The Government of Goa, Daman and Diu, by its Order No. 28/36/81-ILD dated 24th May, 1982, has referred for the adjudication by this Tribunal of an industrial dispute between the above parties. The schedule annexed to the order of reference reads as follows:

"Whether the action of the management of M/s. Emco Goa Pvt. Ltd., Margao Goa, in terminating the services

of Smt. Mogrem Naik, Helper, with effect from 1-6-1978 is legal and justified."

"If not, to what relief the workman is entitled to?"

2. The case of the workman, as per the statement of claim filed, is that she was in service of the employer company for more than 20 years at the Company's loading plot at Xapsem, Panchwadi Goa. The Company abruptly and without assigning any reason orally terminated the services of the workman from 1st June 1978. At the time of termination, she had not even completed 52 years of age and could have served the company for 6 years more. She was earning the sum of Rs. 5/- per day at the time of termination but the payment was always made to her weekly. The termination of her services without assigning any reasons is against the principles of natural justice and also in contravention of the provisions of labour law, which safeguards the interest of the workman. She is entitled to gratuity and pay from 1st June 1978 till the final disposal of this case. She is a poor lady and her 2 daughters are already married and one who is still with her, is a school going child. She has prayed for a declaration that the termination of her services from 1-6-1978 by the management amounts to refusal of employment and so the Management should be directed to reinstate her with full back wages till the final disposal of this reference including her gratuity.

3. The employer, in the written statement, has stated that they never terminated the services of the workman from 1-6-1978 or from any other day; she was working at the company's loading plot at Xapsem as a casual worker; she retired from services from February 1979 on attaining the age of superannuation i. e. 58 years; hence, she is not entitled to any relief.

4. In the additional written statement filed by the company it has raised a preliminary objection stating that, on account of closure of company's Bimol Mines the activities conducted there mainly at Xapsem Loading Plot, where the workman working, had been discontinued from June 1981. This reference, therefore, is regarding a non existing or closed industry and, therefore, it is bad in law and not maintainable.

5. Following issues were framed:

"1. Whether the workman proves that, after working for more than 20 years for the company, her services were abruptly terminated without assigning any reason?

2. Whether the workman proves that she was less than 52 years when her services were terminated by the Employer Company?

3. Whether the workman proves that she was earning Rs. 5/- per day at the time of termination of her services?

4. Whether the employer proves that the reference is bad in law and not maintainable because it refers to a closed Industry?

5. Whether the employer proves that the workman voluntarily retired from services on attaining the age of superannuation?

Issue No. 4 to be treated as preliminary."

6. As issue No. 4 was not pressed by the employer, the same was dropped (vide endorsement below the issues).

7. On the other issues, the workman gave her statement before the Tribunal and also led the evidence of one Kashinath Babli Porob, while the employer led the evidence of Pandurang Bende, Ravishankar Avasti and Antonio Pereira.

8. The workman Smt. Mogrem Naik in her statement has deposed that she was working for the employer for 10-12 years, first as a Sampler and then, in the canteen of the Company at Xapsem. The Company terminated her services about 5 years back (statement recorded on 21-4-1983) without any notice; she was at that time 52 years old; she was not paid retrenchment compensation nor gratuity at the time of termination of her services. The company used to deduct Provident Fund from her salary about 9 years prior to her termination.

In her cross: She worked in the month of June 1978, but she cannot say whether she worked upto 28th June 1978. She has denied that she was paid Rs. 69/- by the employer for the work done in June 1978 and insisted that she did not receive a single paise for any work done during that month. There was a Union in the company at that time but she was

not a member of the Union; *She has denied the suggestion that Mr. Bende told her in the month of July 1978 to proceed on leave, as there was no work to be given to her in the company.* She stated that Mr. Bende straightaway terminated her services. She was earning Rs. 5/- per day and not Rs. 3/-, as suggested. *She has denied the suggestion that she went on leave in July 1978 and, thereafter, did not report for work.*

9. Kashinath Babli Porob, witness for the workman, has stated that from 1957 to 1977 he was working for the employer company. He was working in the Head Office as Manager of the Company and was supervising all the Mines and the Plots of the Company. He knows the workman, who was working as helper to the cook at the canteen of the company at Xapsem Plot. He has seen her working from 1962 when the activities of the plot commenced till he resigned. She was a *regular* worker of the company, and whenever she felt it necessary, she took leave.

This witness was not cross examined by the employer.

10. The evidence of the employer company consists of the statements of Pandurang Bende, Assistant Manager of the company at Xapsem Plot, Ravishankar Avasti, Provident Fund Inspector and Antonio Pereira, Attorney for the employer from 1958 to 1983.

11. The witness Pandurang Bende has stated that he is working for the company since 1957; he knows the workman Smt. Mogrem Naik since 1968; she was working as casual worker and was paid on the basis of the actual work. By casual worker, the witness means that whenever there was work, she was given work, otherwise she would not work. She was paid at the rate of Rs. 3/- per day. He has produced her pay sheets Exh E-1 and E-2 for the period ending 6-6-1978 and 20-6-1978 resp. Her name appears at serial number 38. The payment was made in his presence. The workman along with 3-4 others was made a member of the provident fund in 1969-70; her account number is 227; after 20-6-1978, the workman did not come for work; she was 58 years old, because while making her a provident fund member, she had given a declaration that she was 50 years old. The original declaration was forwarded to the Head Office to be forwarded to the Provident Fund Company. Since Ore from Bimbol Mines which came to Xapsem Plot was stopped in 1981, the workman's services were terminated. The termination of the services of the workman at Bimbol Mines and Xapsem Plot was done in the months of June-July 1981.

*In his cross:* He has stated that he knows Kashinath Porob and saw him very often at Xapsem Plot but he does not know in what capacity he was working and what was his designation. *He is a respectable man.* There might have been 20-25 persons working in the Xapsem Plot in the year 1977-78. Mogrem Naik was working as helper as well as labourer. He has denied the suggestion that they had mentioned less pay in the wage sheet Exh E-1 and E-2 to avoid more payment of provident fund and also gratuity. The Xapsem Plot is still functioning. The company has its standing orders. He was present when the declaration of the workman on the provident fund was taken. He asked her about her age. He has denied that the age of the workman was recorded without questioning her.

12. Ravishankar Avasti is the Incharge of the Provident Fund, Goa branch since 11-9-1984. Inquiries made with the Regional Provident Fund Officer in Bombay regarding form No. 2 of the workman, reveal that the said form is not available in the office (vide letter Exh W-4). Form No. 9 is prepared on the basis of form No. 5 submitted by the company. It shows that the workman was 50 years old in 1-2-1969, when she was made a member of the provident Fund.

*In his cross:* The information given in form No. 9 is by the employer, which information they accept as correct.

13. Antonio Pereira, Attorney for the employer company from 1958 till 1983. He has identified his signature on Exh E-6 and stated that the original of Exh E-6 was sent to the Provident Fund Commissioner in Bombay.

This is all the evidence on record.

14. The employer's witness P. Bende has stated that the company has Standing Orders but such Standing Orders were not produced before the Tribunal to show that the age of superannuation in the employer company is 58.

The model Standing Orders, which would be applicable in the absence of certified Standing Orders, also do not contain

any provision to the effect that 58 years is the age of superannuation of the employees. Being so, the allegation of the employer that the workman's services were terminated since she had already attained the age of superannuation of 58 years cannot be accepted.

15. It is to be noted that the employer has given 3 different versions regarding the termination of the services of the workman namely:—

- Suggested to the workman that Bende told her in the month of July to proceed on leave as there was no work to be given to her in the Company.
- Suggested to her that she went on leave in the month of July 1978 and thereafter, did not return for work. Both these suggestions were denied by the witness.
- Statement made by Pandurang Bende, Assistant Manager, that stopping of Bimbol Mines since 1981 resulted in termination of the services of the workman. The termination of the services of the workman working at *Bimbol Mines and Xapsem Plot* was done in the month of June-July 1981.

This variety of versions offered by the employer to justify the termination of the services of the workman would go to show that he did not know how to justify the said termination after it was challenged before the Tribunal.

16. Even assuming for the sake of arguments that the age of superannuation in the employer company is 58 years, which fact, otherwise, has not been proved by the employer, form Exh E-5 sent to the Provident Fund and was filled by the employer would not prove convincingly that, in fact, the workman had made such declaration, moreover she being an illiterate. Had the workman attained the age of superannuation, the employer's version from the beginning would have been that her services were terminated for superannuation and the employer would not have tried to justify such termination by stating one thing at a time.

17. The employer, as I stated above, has not proved that there is any provision in their standing orders to support their contention that the workman, on attaining the age of 58 years, has to be superannuated and, therefore, the ground of superannuation invoked by the employer cannot be accepted.

18. The employer has alleged that the workman was a *casual* workman and not a *regular* worker, but this statement too does not seem to be correct, in view of what is stated by the workman herself and corroborated by Shri Kashinath Porob whom Prabhakar Bhende has considered as "a respectable man". Otherwise, this fact has not much importance for the purpose of retrenchment because even casual workers once they have rendered continuous uninterrupted service for a period of one year or more come within the Definition of Section 25F of the Act. The termination of their services for any reason whatsoever, provided the case does not fall in any of the excepted categories would amount to retrenchment and attract the provisions of Section 25F of the Act, as it has been held by the Supreme Court in the case of Robert D'Souza V/s. Executive Engineer, Southern Railway and another reported in 1982 Supreme Court Cases (Labour and Service) 124. The workman in question was in service of the employer at least since 1962, as stated by Shri Kashinath Porob, whom the employer has considered as a respectable man and, therefore, the termination of her services had to be done with due compliance of the provisions of Section 25F of the Act, which the employer, admittedly, has failed to do. Under such circumstances, the retrenchment in question would be invalid and inoperative, as it has been held in various Rulings of the Supreme Court and High Court.

19. In view of the above, I hold that the termination of the services of the workman Smt. Mogrem Naik by the employer with effect from 1-6-1978 is invalid and inoperative and hence, I order her reinstatement in service with continuity and full back wages as the canteen of the employer is still running as it is admitted by Shri Prabhakar Porob, Asst. Manager in his cross examination.

Costs of Rs. 300/- to be paid by the employer to the workman.

Dr. Renato de Noronha  
Presiding Officer  
Industrial Tribunal

Order

No. 28/4/85-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Industries and Labour).

Panaji, 9th September, 1985.

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI-GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Complaint No.: IT/44/83.

1. Shri Dioguinho Pereira — Complainant

V/s.

1. M/s. Xaverian Press Training School — Respondent  
Complaint No.: IT/45/83.

1. Shri Romulo Nunes — Complainant

V/s.

1. M/s. Xaverian Press Training School — Respondent

Complainants represented by Shri N. J. Rebello, President of The Newspaper & Press Employees' Union.

Respondent represented by Adv. G. K. Sardessai.

Panaji. Dated: 19-8-1985

**AWARD**

This common award shall dispose off the above mentioned complaints filed under Section 33-A of the I. D. A., 1947, in short, the Act, since the disputed facts and the points of law to be considered are similar on both the complaints.

2. The case of the complainants is that, during the pendency of reference No. IT/18/83, dealing with the quantum of wages of the complainants and others under the Palekar Award, the opponent/employer, by letter dated 4-6-1983, which is a notice in form I of Rule 34 of the I. D. Rules, informed the Union that it intended to change the service conditions of the complainants and that such change would be effective from 1-7-1983. The Union, by its letter dated 21-6-1983, objected to the change, on the ground that it would prejudicially affect the workers who have been working with the employer Opponent for several years and this work has been always done on a monotype machine till that day. The Opponent replied to the Union by letter dated 2-6-1983, informing that the date of change of service conditions was extended by another 4 weeks w. e. f. 1-7-1983 as informed earlier.

3. It is the case of the complainants that they are concerned workmen in the pending reference and hence, the Opponent had to obtain prior permission of the Tribunal under Section 33(1)(a) or approval under Section 33(2)(a) to do the same, since some of the complainants would be prejudicially affected by the said change. The Opponent, however, by letter dated 30-7-1983 illegally and wrongfully terminated the services of the complainants by way of retrenchment without giving notice or pay in lieu thereof, as provided by the Act. Such termination, according to the complainants, is malafide and by way of victimization for they being active members of the Union. The Opponent has not obtained prior permission or subsequent approval under Section 33(1)(a) or 33(2)(a) of the Act, as required under the law in view of the pending reference, thereby contravening the provisions of the Act referred to above and, hence, these complaints under Section 33A of the Act.

It is prayed that the termination be declared illegal and the complainants reinstated in services with full back wages and continuity of services and other benefits attached to the post.

4. The Opponents, in their reply, have denied that there was a change in the service conditions of the complainants

so as to attract the provisions of Section 33(1)(a) or 33(2)(a) of the Act. The pending reference was concerning the applicability of the wage scales fixed by the Palekar Award to the workers working in the Opponents Press. The complainants services were terminated by way of retrenchment but the issue of retrenchment is out of the purview of Section 33 of the Act. The retrenchment was due to the fact that the Management had decided to get the composing material done in monotype machine, which would result in reduction of the no. of compositors.

5. The only issue to be dealt with in these complaints is:

"Whether it is proved that the Opponents have violated the provisions of Section 33(1)(a) or 33(2)(a) of the Act by changing the service conditions of the complainants during the pendency of reference IT/18/83?"

6. From the documents produced by the parties it is proved that the reference IT/18/83 (Exh C-5) concerning the wage demands made by the workers was pending before this Tribunal when the termination of the services of the complainants, by way of retrenchment, took place. This fact, otherwise, is admitted by the parties. It is also admitted that the complainants are the workmen concerned in the said reference.

7. The Supreme Court Ruling in the case of Bhavnagar Municipality V/s. Alibhai Karimbhai and others, reported in 1977 I LLJ page 407, relied upon by the complainants has made the following observations at para 13: "Retrenchment may not *ordinarily*, under all circumstances, amount to alteration of the conditions of service. For example, when the wage dispute was pending before the Tribunal and on account of the abolition of a particular department, the workers therein have to be retrenched by the employer, such a retrenchment cannot amount to alteration of the conditions of service." However, in the particular case in which the Supreme Court ruling was given, the retrenchment was considered as having altered the service conditions of the workers because the subject matter being directly connected with the conversion of the temporary employment into a permanent one, tampering with the status quo ante of the workers would be clear alteration of the workers service conditions.

8. On the other side, the employer's contention is that the condition of service postulates continuance in service; the workers who are aggrieved by the contravention of Section 33 of the Act are those who continue in service and not the retrenched ones; having been retrenched, they have gone out of service; they have no conditions of service which could possibly be prejudicially affected. In this connection, he has relied on an award given by the Industrial Tribunal, Maharashtra, Bombay in reference II No. 65 of 1967 in the case of S. C. Mallick and others V/s. Blundell Eomite Paints Limited Bombay and reported in the Industrial Court Reporter, August 1968, a xerox copy of which he has filed in the industrial proceedings. In this award, the Ld. Presiding Officer who delivered it came to the conclusion that the reading of Section 33(1)(a), 33-A, 9-A and item 10 of schedule IV together, the conclusion that follows was that the retrenchment effected in that case, even if it was assumed that it had resulted in rationalisation, could not amount to contravention of the provisions of Section 33, and, consequently, no one could make a complaint under Section 33-A. Indeed, it is stated that Section 33 gives the right to complain to any employee aggrieved by the contravention. Further, the rationalisation which was attempted by the employer in that case under Section 9-A, schedule IV, item 10 which led to retrenchment would not amount to contravention of Section 33(1)(a), because the expression "conditions of services applicable to the workmen" used in Section 9-A and in the heading of schedule IV were *extremely* important. The conditions of services postulate continuance of service. The alteration of conditions of service which were contemplated in item 10 of the IV schedule are regarding the workers who still remain in service after the retrenchment is effected. In this connection, the expression "any workmen aggrieved by such change is also significant". As a result of rationalisation, in that case, it is possible that the work load of the workers who still continued in service was increased and then they would be the aggrieved parties and not the retrenched workers because it is their condition of services which have been prejudicially affected, as contemplated under Section 33(1)(a). There is no question of service conditions of those who have been retrenched having been prejudicially affected, because, after the retrenchment, they have gone out of service.

9. I am in complete agreement with the above observations of the Ld. Presiding Officer, which are also attracted in our case, where the complaints under Section 33A were filed by the workman whose services were retrenched and not by others who might have been aggrieved due to such retrenchment, and, therefore, they, not being aggrieved persons under Section 33A, cannot file a complaint under that provision of the Act.

10. The retrenched workmen are not left without a remedy, it is observed by the Ld. Presiding Officer in the ruling cited above; they can raise an industrial dispute and get a reference from the Government to the Industrial Tribunal in which all the facts alleged by the complainants could be considered.

11. In view of all that is stated above, I pass the following order:

#### ORDER

Both the complaints are not maintainable under Section 33-A, read with section 33 of the Act and, hence, they are dismissed. In the circumstances of the case, I leave each party to bear its own costs.

*Dr. Renato de Noronha*  
Presiding Officer  
Industrial Tribunal

#### Corrigendum

No. 28/23/85-ILD

Read: Order No. 28/23/83-ILD dated 2-7-1985, regarding industrial dispute between M/s. Goa Shipyard Ltd. and their workman Shri John Rodrigues.

The date indicated in the Schedule of Government order cited above in terminating the services of Shri John Rodrigues, Mazdoor may be read as 13-11-82.

*Subhash V. Elekar*, Under Secretary (Industries and Labour).

Panaji, 30th September, 1985.

#### Corrigendum

No. 28/27/84-ILD

Read: Govt. Order No. 28/4/85-ILD, dated 4-7-1985.

In the Award of the Industrial Tribunal Goa, Daman and Diu, Panaji-Goa, dated 21-6-1985 published under Government Order No. 28/4/85-ILD, dated 4-7-1985 in the Official

Gazette, Series II, No. 17 dated 25-7-1985, in item No. 2 of para 6, for the words "shall be reemployed in the same position" read "shall not be re-employed in the same position".

*Subhash V. Elekar*, Under Secretary (Industries and Labour).

Panaji, 27th September, 1985.

#### Finance Department

#### Expenditure, Revenue and Control Branch

#### Notification

No. 5/10/85-Fin(R&C)

In exercise of the powers conferred by sub-section (5) of section 8 of the Central Sales Tax Act, 1956 (Central Act 74 of 1956), the Lieutenant Governor of Goa, Daman and Diu having been satisfied that it is necessary so to do in the public interest, hereby directs that the tax payable under the said Act, by any dealer having his place of business in the Union territory of Goa, Daman and Diu in respect of the sale of edible oils by him from any such place of business in the course of inter-state trade or commerce, shall be calculated at the rate of one per cent of the sale price of the edible oils so sold.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

*K. M. Nambiar*, Under Secretary (Finance Exp.).

Panaji, 25th September, 1985.

#### Notification

No. 5/9/81-Fin (R&C)

In exercise of the powers conferred by section 10A of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964) the Government of Goa, Daman and Diu having considered it necessary so to do in the public interest, hereby exempts from the payment of the whole of the tax payable under the said Act, the sales of products of handicrafts manufactured by the Handicraft Units which are registered with the Goa Handicrafts Rural and Small Scale Industries Development Corporation, Panaji-Goa, where such sales are made through Emporia of the said Corporation.

By order and in the name of the Administrator of Goa, Daman and Diu.

*K. M. Nambiar*, Under Secretary (Finance Exp.).

Panaji, 24th September, 1985.